

# Exhibit 13

**Tim Hogan**

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**From:** WayneBerry@FCS2003.com  
**Sent:** Friday, April 11, 2008 1:46 AM  
**To:** Tim Hogan  
**Subject:** Divorce 20080411  
**Signed By:** WayneBerry@fcs2003.com  
**Attachments:** Divorce 20080411.pdf

I had this waiting in the mail for me this morning - 11 days for snail mail (and I sent all my stuff overnight Express mail)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Redacted*

4/23/2008

# Brawley & Associates

Attorneys at Law, LLC

April 1, 2008

TO: Mr. Wayne Foster Berry  
5500 Military Trail #22-250  
Jupiter, Florida 33458

RE: Berry v. Berry; FC-D No. 06-1-0211

The following have been submitted:

| <u>Description</u>  | <u>Copies</u> | <u>Date</u> |
|---|---------------|-------------|
| Order Re Motion to Set                                      | 1 FILED       | 3/27/08     |
| Order Re Motion to Dismiss Expired<br>Complaint for Divorce | 1 FILED       | 3/27/08     |
| Order Re Motion to Strike Motion to<br>Set etc.             | 1 FILED       | 3/27/08     |

|   |   |
|---|---|
| <input checked="" type="checkbox"/> For your records            | <input type="checkbox"/> Per your request     |
| <input type="checkbox"/> For your completion                    | <input type="checkbox"/> Per our conversation |
| <input type="checkbox"/> For necessary action                   | <input type="checkbox"/> Other _____          |
| <input type="checkbox"/> For your signature <b>in black ink</b> | <input type="checkbox"/> Remarks _____        |

Remarks:

Thank you for your attention to this matter.

Sincerely,

BRAWLEY & ASSOCIATES



Cheryl R. Brawley

CRB:pjo  
Enclosures (040108)

CHERYL BRAWLEY 4489  
1164 BISHOP STREET, SUITE 500  
HONOLULU, HI 96813

FAMILY COURT  
FIRST CIRCUIT COURT  
STATE OF HAWAII

FILED  
12:02 o'clock, P.M.  
MAR 27 2008

Attorney for Julianne W. Berry

IN THE FAMILY COURT OF THE FIRST CIRCUIT

M. Omiya  
Clerk

STATE OF HAWAII

Julianne Nguyen Berry

Plaintiff,

VS.

Wayne Foster Berry,

Defendant.

FC-D No. 06-1-0211

ORDER RE MOTION TO SET  
(PRETRIAL ORDER NO. 1).  
Attachment(s) \_\_\_\_\_

Motion to Set Conference

Date: 3/27/08

Judge: R. Mark Browning

ORDER RE: MOTION TO SET  
(PRETRIAL ORDER NO. 1)

Present

☒

Plaintiff's Attorney: C. Brawley

☐

Defendant's Attorney \_\_\_\_\_

☒

Plaintiff

☐

Defendant

☐

Mediation  
Occurred

☒

No

☐

Yes

Mediator's Name \_\_\_\_\_

to arrange mediation with \_\_\_\_\_

by \_\_\_\_\_

Volunteer  
Settlement  
Master

\_\_\_\_\_ is appointed as the Volunteer Settlement  
Master. Plaintiff's attorney shall prepare an Order Appointing Volunteer  
Settlement Master for the court to approve and file.

I do hereby certify that this is a full, true  
and correct copy of the original on file in this office.

M. Omiya

Clerk, Family Court, First Circuit, State of Hawaii

**Trial Date, Scheduling Information, and Other Important Deadlines.** All Blanks Must be Filled in. A deadline date in this order is binding unless a different date is set forth in a later order (such as the report dates established in the Custody Evaluator Order). The court will calculate deadline dates using the formula under the Misc Information column unless the parties and the court agree to a different date. **The party who filed the motion that generated the trial date set below shall file the first witness list and the first Settlement Conference Statement.**

| <u>Event</u>  | <u>Misc. Information</u>               | <u>Date</u>             |
|---|--|-------------------------|
| <b>Witness List Filed by</b><br><input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br>Names of lay & expert witnesses, contact information (real), and subject matter of testimony.   | (49 days before Settlement Conference) | <u>5/1/08</u>           |
| <b>Responsive Witness List Filed by</b><br><input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant<br>Names of lay & expert witnesses, contact information (real), and subject matter of testimony.  | (42 days before Settlement Conference) | <u>5/8/08</u>           |
| <b>Expert Reports Exchanged</b>   | (35 days before Settlement Conference) | <u>5/15/08</u>          |
| <b>All Discovery Completed</b>  | (28 days before Settlement Conference) | <u>5/22/08</u>          |
| <b>Exhibits and Exhibit List Exchanged</b>  | (21 days before Settlement Conference) | <u>5/29/08</u>          |
| <b>Settlement Conference (SC) Statement Filed by</b><br><input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br><input checked="" type="checkbox"/> Concise comparison chart of trial positions<br><input checked="" type="checkbox"/> Property Allocation Chart<br><input checked="" type="checkbox"/> Updated Asset & Debt and Income and Expense Statements<br><input checked="" type="checkbox"/> Child Support Guidelines Worksheet<br><input checked="" type="checkbox"/> Proposed Decree, reflecting trial positions<br><input type="checkbox"/> Parenting Plan<br><input type="checkbox"/> Confidential settlement letter (Do not file) | (14 days before Settlement Conference) | <u>6/5/08</u>           |
| <b>Responsive SC Statement Filed by</b> <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant<br><input checked="" type="checkbox"/> Concise comparison chart of trial positions<br><input checked="" type="checkbox"/> Property Allocation Chart<br><input checked="" type="checkbox"/> Updated Asset & Debt and Income and Expense Statements<br><input checked="" type="checkbox"/> Child Support Guidelines Worksheet<br><input checked="" type="checkbox"/> Proposed Decree, reflecting trial positions<br><input type="checkbox"/> Parenting Plan<br><input type="checkbox"/> Confidential settlement letter (Do not file)                 | (7 days before Settlement Conference)  | <u>6/12/08</u>          |
| <b>Settlement Conference</b>  | (Thurs, 18 days before trial week)     | <u>6/19/08, 1:30 pm</u> |
| <b>Calendar Call</b><br>Give original Exhibits and two Exhibit Lists to court   | (Thurs, 11 days before trial week)     | <u>6/26/08, 8:30 am</u> |
| <b>Letter Re Admissibility of Exhibits</b><br>To court and opposing side  | (Thurs, 4 days before trial week)      | <u>7/1/08, 4:30 pm</u>  |
| <b>Trial Week</b><br>Length of trial: <u>1</u> day(s)<br>Parties will share time equally: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |  | <u>7/7/08</u>           |
| <input type="checkbox"/> See Page 5 for additional dates and events   |  |                         |

**Stipulations/Issues in Dispute:** Issues that are checked as "Agreed" are not in dispute based on the Position Statements previously submitted and/or the agreements of the parties made since. An agreement only becomes final when the agreement is placed on the record or signed by the parties and approved by the court. Parties should clearly write out the terms of any agreement using either the appropriate Divorce Decree from the Uncontested Divorce packet or a continuation sheet. All written agreements should be attached to this Order.

|     |                                 | <u>Agreed</u>            | <u>Disputed</u>                     | <u>Not<br/>Applicable</u> |
|-----|---------------------------------|--------------------------|-------------------------------------|---------------------------|
| 1.  | Jurisdiction.                   |                          |                                     |                           |
|     | a. Personal jurisdiction.       | <input type="checkbox"/> | <input type="checkbox"/>            |                           |
|     | b. Subject matter jurisdiction. | <input type="checkbox"/> | <input type="checkbox"/>            |                           |
| 2.  | Existence of an enforceable     |                          |                                     |                           |
|     | a. Premarital agreement.        | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
|     | b. Marital agreement.           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
|     | c. Divorce agreement.           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
| 3.  | Granting of the divorce itself. | <input type="checkbox"/> | <input type="checkbox"/>            |                           |
| 4.  | Legal custody.                  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
| 5.  | Physical custody.               | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
| 6.  | Visitation.                     | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
| 7.  | Income of                       |                          |                                     |                           |
|     | a. Plaintiff.                   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
|     | b. Defendant.                   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| 8.  | Expenses of                     |                          |                                     |                           |
|     | a. Plaintiff.                   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
|     | b. Defendant.                   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
| 9.  | Child Support.                  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| 10. | Child related expenses.         |                          |                                     |                           |
|     | a. Child care.                  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
|     | b. Pre-school expenses.         | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
|     | c. Private school expenses.     | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
|     | d. Summer school expenses.      | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
|     | e. Post-high school expenses.   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
|     | f. Extracurricular expenses.    | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
| 11. | Child health care.              |                          |                                     |                           |
|     | a. Maintenance of insurance.    | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
|     | b. Payment of excess expenses.  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| 12. | Alimony.                        |                          |                                     |                           |
|     | a. Amount.                      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
|     | b. Duration.                    | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |



|    |  | Agreed                              | Disputed                            | Not<br>Applicable        |
|----|--|-------------------------------------|-------------------------------------|--------------------------|
| 13 | Security for support                   |                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | a Alimony                              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | a Child Support                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 14 | Property division – general            |                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | a Asset wasting issues                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | b Valuation issues                     | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
|    | c Classification issues                | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
|    | d Equitable deviation issues           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| 15 | Property division – distribution       |                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | a Credit Union/bank accounts           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | b Securities                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | c Vehicles                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | d Real property                        | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
|    | e Life insurance                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | f Retirement                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | g Business assets                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | h Investment assets                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | i Household effects                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | j Personal effects                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | k Trust property                       | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
|    | l Other property                       | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| 16 | Debt                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17 | Tax matters                            |                                     |                                     |                          |
|    | a Liability                            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
|    | b Refunds                              | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
|    | c Dependents                           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
|    | d Deductions                           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
|    | e Other _____                          | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| 18 | Payments for property division         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19 | Payment of legal fees:                 |                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | a Attorney's fees and costs            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|    | b Expert's fees and costs              | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
|    | c Mediation/arbitration fees and costs | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
|    | d CE/CGAL's fees and costs             | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| 20 | Compliance with prior orders           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| 21 | Other                                  |                                     |                                     |                          |
|    | _____                                  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
|    | _____                                  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| 22 | Name Change                            | <input checked="" type="checkbox"/> | Undecided                           |                          |
|    |  |                                     | No Change                           |                          |
|    |  |                                     | Change Name to _____                |                          |
|    |  |                                     | (Full Name)                         |                          |

|   |   |  |
|---|---|--|
| <b>FAMILY COURT<br/>FIRST CIRCUIT<br/>STATE OF HAWAII</b> | <b>ORDER</b> <input type="checkbox"/> Granting <input type="checkbox"/> Denying <input type="checkbox"/> In Part<br><input type="checkbox"/> Continuing <input type="checkbox"/> Oral <input checked="" type="checkbox"/> Re: _____<br><input type="checkbox"/> Motion to [ ]Continue [ ]Withdraw<br><input checked="" type="checkbox"/> Motion TO STRIKE: CHEYL BRAWLEY'S MOTION | <b>CASE NUMBER<br/>FC-D NO.</b><br>06-1-0211 |
|---|---|--|

  

JULIANNE N. BERRY  
PLAINTIFF,

VS.

WAYNE FOSTER BERRY  
DEFENDANT.

TO SET AND NOTICE OF MOTION FOR DISMISSED AND EXPIRED COMPLAINT

This document is prepared by: FOR DIVORCE

☒Attorney for ☒Plaintiff ☐Defendant  
CHEYL BRAWLEY 4459  
 Name  
1164 BISHOP ST, SUITE 500  
 Address  
HONOLULU, HI 96813  
 City, State, Zip Code  
(808) 533-0006  
 Telephone Number

  

|                                 |                                |                              |
|---------------------------------|--------------------------------|------------------------------|
| Motion Filed On: <u>3/10/08</u> | Judge: <u>R. Mark Browning</u> | Hearing Date: <u>3/27/08</u> |
|---------------------------------|--------------------------------|------------------------------|

  

Present at the Hearing: ☒ Plaintiff ☒ Attorney for Plaintiff C. BRAWLEY  
☐ Defendant ☐ Attorney for Defendant \_\_\_\_\_  
☐ Other: \_\_\_\_\_

☐Attorney \_\_\_\_\_ ☐Plaintiff ☒Defendant was/were duly served but failed to appear.

Based upon the representation/record made. IT IS HEREBY ORDERED that the ☐oral motion is ☐granted ☐denied ☐granted in part ☐denied in part as follows:  
DEFENDANT'S MOTION IS DISMISSED FOR LACK OF PROSECUTION

  

I do hereby certify that this is a full, true and correct copy of the original on file in this office.

M. Omiya  
 Clerk, Family Court, First Circuit, State of Hawaii

☐ \_\_\_\_\_ Continuation Page(s) Attached. Signatures on Last Page.

  

|  |   |
|--|---|
| APPROVED:<br><input type="checkbox"/> Form <input type="checkbox"/> Content <u>[Signature]</u> Plaintiff<br><input type="checkbox"/> Form <input type="checkbox"/> Content _____ Defendant<br><input type="checkbox"/> Form <input type="checkbox"/> Content <u>[Signature]</u> Attorney/Pltff<br><input type="checkbox"/> Form <input type="checkbox"/> Content _____ Attorney/Deft<br><input type="checkbox"/> Form <input type="checkbox"/> Content _____ Other | <b>FAMILY COURT<br/>FIRST CIRCUIT COURT<br/>STATE OF HAWAII</b><br>FILED<br><u>12:01</u> o'clock <u>P.</u> M.<br><u>MAR 27 2008</u><br><u>M. Omiya</u><br>Clerk |
|--|---|

  

|                            |  |   |
|----------------------------|--|---|
| Date<br><b>MAR 27 2008</b> | Judge<br><u>[Signature]</u><br><b>R. MARK BROWNING</b> | <b>SEAL</b><br>FOR COURT USE ONLY<br>EXPEDITED ORDER-SHORT FORM |
|----------------------------|--|---|



|  |  |  |
|--|--|--|
| <b>FAMILY COURT<br/>FIRST CIRCUIT<br/>STATE OF HAWAII</b>  | <b>ORDER</b> <input type="checkbox"/> Granting <input type="checkbox"/> Denying <input type="checkbox"/> In Part<br><input type="checkbox"/> Continuing <input type="checkbox"/> Oral <input checked="" type="checkbox"/> Re:<br><input type="checkbox"/> Motion to [ ] Continue [ ] Withdraw<br><input checked="" type="checkbox"/> Motion <u>MOTION TO DISMISS EXPIRED</u> | <b>CASE NUMBER<br/>FC-D NO.<br/>06-1-0211</b>  |
| <b>COMPLAINT FOR DIVORCE</b>   |  |  |
| <u>WENDIE N. BERRY</u><br>PLAINTIFF,<br><br>vs.<br><br><u>WAYNE FOSTER BERRY</u><br>DEFENDANT.   | This document is prepared by:<br><input checked="" type="checkbox"/> Attorney for <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br><u>CHERYL BRAWLEY 4489</u><br>Name<br><u>1164 BISHOP STREET, SUITE 500</u><br>Address<br><u>HONOLULU, HI 96813</u><br>City, State, Zip Code<br><u>(808) 533-0064</u><br>Telephone Number               |  |
| Motion Filed On: <u>9/12/07</u>  | Judge: <u>R. MARK BROWNING</u>   | Hearing Date: <u>3/21/08</u>   |
| Present at the Hearing: <input checked="" type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Attorney for Plaintiff <u>C. BRAWLEY</u><br><input type="checkbox"/> Defendant <input type="checkbox"/> Attorney for Defendant _____<br><input type="checkbox"/> Other: _____<br><input type="checkbox"/> Attorney _____ <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant was/were duly served but failed to appear. |  |  |
| Based upon the representation/record made, IT IS HEREBY ORDERED that the <input type="checkbox"/> oral motion is <input type="checkbox"/> granted <input type="checkbox"/> denied <input type="checkbox"/> granted in part <input type="checkbox"/> denied in part as follows:<br><u>DEFENDANT'S MOTION IS DISMISSED FOR LACK OF PROSECUTION.</u>  |  |  |
|  |  |  |
| I do hereby certify that this is a full, true and correct copy of the original on file in this office.<br><u>M. Omiya</u><br>Clerk, Family Court, First Circuit, State of Hawaii   |  |  |
| <input type="checkbox"/> _____ Continuation Page(s) Attached. Signatures on Last Page.   |  |  |
| APPROVED:<br><input type="checkbox"/> Form <input type="checkbox"/> Content <u>[Signature]</u><br><input type="checkbox"/> Form <input type="checkbox"/> Content _____<br><input type="checkbox"/> Form <input type="checkbox"/> Content <u>[Signature]</u><br><input type="checkbox"/> Form <input type="checkbox"/> Content _____<br><input type="checkbox"/> Form <input type="checkbox"/> Content _____  | Plaintiff<br>Defendant<br>Attorney/Pltff<br>Attorney/Def<br>Other  | <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>FAMILY COURT<br/>FIRST CIRCUIT COURT<br/>STATE OF HAWAII</b><br/>         FILED <u>12:02</u> o'clock <u>P.</u> M.<br/> <u>MAR 27 2008</u><br/> <u>M. Omiya</u><br/>         Clerk       </div> |
| Date <u>MAR 27 2008</u>  | Judge <u>[Signature]</u> <b>SEAL</b><br><b>R. MARK BROWNING</b>  |  |

Brawley & Associates  
Attorneys at Law, LLC  
1164 Bishop Street, Suite 500  
Honolulu, Hawaii 96813

Mr. Wayne Foster Berry  
5500 Military Trail #22-250  
Jupiter, Florida 33458



3345842853 0043

